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10/098,518	03/18/2002	Kouji Yamamoto	1614.1235	6223

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EXAMINER

SHERR, CRISTINA O

ART UNIT PAPER NUMBER

3621

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. This communication is in response to applicant's amendment filed November 10, 2005. Claim 3 has been canceled. Claims 1, 2, 4, 5-14 have been amended. Claims 15-17 have been newly added. Claims 1-2 and 4-17 are pending in this case.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-2 and 4-14 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

6. Independent claims 1 and 5-17 are replete with vague language of possibility and intended use rather than positive limitations. For example, in independent claim 1:

“ . . . software can be expanded . . . ”

“ . . . an expandable range of user right . . . ”

“ . . . user rights can be expanded . . . ”

“ . . . acquired expandable range . . . ”

" . . . program to be executed . . . ".

7. As discussed in independent claim 1, all the independent claims contain such language of intended use and possibility rather than positive limitations. As such, the claims fail to properly set forth the metes and bounds of the invention. For these reasons, claims 1-2 and 4-17 are rejected under the second paragraph of 35 U.S.C. 112.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2 and 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al (US 5,638,443).

10. Regarding claim 1 –

Stefik discloses a method digital rights management (e.g. abstract) in which rights are variable depending on various events such as fees paid (e.g. col 5 ln 62-67), managing user right information indicating the state in which the software program and used and user rights (e.g. col 6 ln 1-5); where all uses of copies of the digital work are controlled and billable (e.g. col 6 ln 12-15); updating the user rights information (e.g. col 13 ln 20-25); where the program is executed according to updated user rights information (e.g. col 13 ln 10-17).

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11. Stefik does not use exactly the same terminology as the instant application nor show exactly the same examples of predetermined events, however, it would be obvious to one of ordinary skill in the art to adapt Stefik thus obtaining the instant invention.

12. Regarding claims 2 and 4 –

Stefik discloses decoding user information such as credit information so as to update user rights based on said encrypted information (e.g. fig 3, col 7 ln 21-31); and verifying said information by way of predetermined keys (verification information) (e.g. col 14 ln 38-43).

13. As above, Stefik does not use exactly the same terminology as the instant application nor show exactly the same examples of predetermined events, however, it would be obvious to one of ordinary skill in the art to adapt Stefik thus obtaining the instant invention.

14. Claims 5-17 are rejected under the same criteria discussed above.

15. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

**Conclusion**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

COS  
01/17/2006

*[Signature]*  
PRIMARY EXAMINER